

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 7, after "a" insert "**dangerous**".
- 2 Page 1, line 12, after "of" insert "**IC 16-22-8 and**".
- 3 Page 1, line 16, delete "or".
- 4 Page 1, line 17, delete "." and insert "; **or**
- 5 **(4) a health and hospital corporation established under**
- 6 **IC 16-22-8-6.**".
- 7 Page 2, line 6, delete "may".
- 8 Page 2, line 6, after "a" insert "**dangerous**".
- 9 Page 2, line 36, strike "Orders, health directives, and restrictions
- 10 issued by the state".
- 11 Page 2, strike lines 37 through 38.
- 12 Page 2, line 39, strike "public health" and insert "**A public health**
- 13 **authority**".
- 14 Page 2, line 39, strike "be enforced by the corporation in a" and
- 15 insert "**petition a circuit or superior**".
- 16 Page 2, line 39, strike "with".
- 17 Page 2, line 40, strike "jurisdiction" and insert "**for an order of**
- 18 **isolation or quarantine**".

- 1 Page 2, line 42, delete "A" and insert "**Unless otherwise provided**
- 2 **by law, a**".
- 3 Page 3, line 16, after "must" insert "**be verified and**".
- 4 Page 3, line 19, delete "." and insert ", **including a description of**
- 5 **any efforts the public health authority made to obtain the**
- 6 **individual's voluntary compliance with isolation or quarantine**
- 7 **before filing the petition.**".
- 8 Page 3, line 25, delete "may" and insert "**is likely to**".
- 9 Page 3, line 28, delete ":".
- 10 Page 3, line 29, delete "(1)".
- 11 Page 3, line 29, delete "would allow" and insert "**allows**".
- 12 Page 3, run in lines 28 through 29.
- 13 Page 3, line 31, delete "; or" and insert ".".
- 14 Page 3, delete line 32.
- 15 Page 3, line 33, delete "a preponderance of" and insert "**clear and**
- 16 **convincing**".
- 17 Page 3, line 34, delete "the".
- 18 Page 3, line 41, delete "impose" and insert "**issue an order**
- 19 **imposing**".
- 20 Page 4, line 5, delete "may" and insert "**is likely to**".
- 21 Page 4, between lines 18 and 19, begin a new line blocked left and
- 22 insert:
- 23 "**The verified petition must include a description of any efforts the**
- 24 **public health authority made to obtain the individual's voluntary**
- 25 **compliance with isolation or quarantine before filing the petition.**".
- 26 Page 4, line 19, delete "a preponderance of" and insert "**clear and**
- 27 **convincing**".
- 28 Page 4, line 20, delete "the".
- 29 Page 4, line 32, delete "An emergency order of isolation or".
- 30 Page 4, delete line 33.
- 31 Page 4, line 34, delete "accordance with subsection (l).".
- 32 Page 4, line 34, after "establish the" insert "**duration and**".
- 33 Page 5, line 1, delete "or".
- 34 Page 5, line 2, delete "." and insert "**; or**
- 35 **(4) through other electronic means approved by the court.**".
- 36 Page 5, line 35, after "court" insert ", **and obtaining the**

1 **individual's voluntary compliance is or has proven impracticable**
 2 **or ineffective".**

3 Page 5, line 36, delete "fourteen (14) days" and insert **"seventy-two**
 4 **(72) hours, excluding Saturdays, Sundays, and legal holidays,".**

5 Page 5, line 41, after "public." delete "The" and insert **"If the**
 6 **immediate order applies to a group of individuals and it is**
 7 **impracticable to provide individual notice, the".**

8 Page 6, line 15, after "quarantine" insert **"and a description of any**
 9 **efforts the public health authority made to obtain the individual's**
 10 **voluntary compliance with isolation or quarantine before filing the**
 11 **petition".**

12 Page 6, line 36, delete "a preponderance of" and insert **"clear and**
 13 **convincing".**

14 Page 7, between lines 7 and 8, begin a new paragraph and insert:

15 **"(n) Unless otherwise provided by law, a petition for isolation or**
 16 **quarantine, or a petition to renew an immediate order for isolation**
 17 **or quarantine, may be filed in a circuit or superior court in any**
 18 **county. Preferred venue for a petition described in this subsection**
 19 **is:**

20 **(1) the county or counties (if the area of isolation or**
 21 **quarantine includes more than one (1) county) where the**
 22 **individual, premises, or location to be isolated or quarantined**
 23 **is located; or**

24 **(2) a county adjacent to the county or counties (if the area of**
 25 **isolation or quarantine includes more than one (1) county)**
 26 **where the individual, premises, or location to be isolated or**
 27 **quarantined is located.**

28 **This subsection does not preclude a change of venue for good cause**
 29 **shown."**

30 Page 7, line 8, delete "(n)" and insert **"(o)".**

31 Page 7, line 16, delete "order" and insert **"appoint".**

32 Page 7, line 18, after "represented." insert **"An individual may**
 33 **retain his or her own counsel or proceed pro se."**

34 Page 7, line 19, delete "(o)" and insert **"(p)".**

35 Page 7, line 19, after "quarantine" insert **"that is not in the person's**
 36 **home:".**

- 1 Page 7, line 19, delete "may".
- 2 Page 7, delete line 20.
- 3 Page 7, line 21, after "(1)" insert "**shall allow**".
- 4 Page 7, line 22, delete "or" and insert "**and**".
- 5 Page 7, line 23, delete "an adult family member of" and insert "**may**
- 6 **allow**".
- 7 Page 7, line 23, delete "who is quarantined" and insert ";".
- 8 Page 7, delete line 24.
- 9 Page 7, line 25, delete "if the" and insert ". **As a condition of**
- 10 **remaining with the quarantined individual, the public health**
- 11 **authority may require a person described in subdivision (2) who**
- 12 **has not been exposed to a dangerous communicable disease to**
- 13 **receive an immunization or treatment for the disease or condition,**
- 14 **if an immunization or treatment is available and if requiring**
- 15 **immunization or treatment does not violate a constitutional right.**".
- 16 Page 7, delete lines 26 through 28.
- 17 Page 7, line 29, delete "(p)" and insert "**(q)**".
- 18 Page 7, line 36, delete "(q)" and insert "**(r)**".
- 19 Page 7, line 39, delete "(r)" and insert "**(s)**".
- 20 Page 8, line 3, delete "(s)" and insert "**(t)**".
- 21 Page 8, line 5, delete "Each day that a".
- 22 Page 8, delete line 6.
- 23 Page 8, line 7, delete "(t)" and insert "**(u)**".
- 24 Page 8, line 7, delete "may" and insert "**shall**".
- 25 Page 8, line 8, delete "." and insert ", **including rules to establish**
- 26 **guidelines for:**
- 27 **(1) voluntary compliance with isolation and quarantine;**
- 28 **(2) quarantine locations and logistical support; and**
- 29 **(3) moving individuals to and from a quarantine location.**
- 30 **The absence of rules adopted under this subsection does not**
- 31 **preclude the public health authority from implementing any**
- 32 **provision of this section.**".
- 33 Page 8, between lines 8 and 9, begin a new paragraph and insert:
- 34 "SECTION 7. IC 16-41-9-1.6 IS ADDED TO THE INDIANA
- 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 36 [EFFECTIVE JULY 1, 2006]: **Sec. 1.6. (a) A public health authority**

1 may impose or petition a court to impose a quarantine and do the
2 following:

3 (1) Distribute information to the public concerning:

4 (A) the risks of the disease;

5 (B) how the disease is transmitted;

6 (C) available precautions to reduce the risk of contracting
7 the disease;

8 (D) the symptoms of the disease; and

9 (E) available medical or nonmedical treatments available
10 for the disease.

11 (2) Instruct the public concerning social distancing.

12 (3) Request that the public inform the public health authority
13 or a law enforcement agency if a family member contracts the
14 disease.

15 (4) Instruct the public on self quarantine and provide a
16 distinctive means of identifying a home that is self
17 quarantined.

18 (5) Instruct the public on the use of masks, gloves,
19 disinfectant, and other means of reducing exposure to the
20 disease.

21 (6) Close schools, athletic events, and other nonessential
22 situations in which people gather.

23 (7) If quarantine is still necessary after a public health
24 authority has taken the steps described in subdivisions (1)
25 through (6), the public health authority may impose or
26 petition a court to impose a quarantine in accordance with
27 section 1.5 of this chapter. If a quarantine is imposed under
28 section 1.5 of this chapter, the public health authority shall
29 ensure that, to the extent possible, quarantined individuals
30 have sufficient supplies to remain in their own home.

31 (b) If an out of home, nonhospital quarantine is imposed on a
32 individual, the individual shall be housed as close as possible to the
33 individual's residence.

34 (c) In exercising the powers described in this section or in
35 section 1.5 of this chapter, the public health authority may not
36 prohibit a person lawfully permitted to possess a firearm from
37 possessing one (1) or more firearms unless the person is

1 **quarantined in a mass quarantine location. The public health**
 2 **authority may not remove a firearm from the person's home, even**
 3 **if the person is quarantined in a mass quarantine location.**

4 **(d) This section does not prohibit a public health authority from**
 5 **adopting rules and enforcing rules to implement this section if the**
 6 **rules are not inconsistent with this section.**

7 SECTION 8. IC 16-41-9-1.7 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2006]: **Sec. 1.7. (a) An immunization**
 10 **program established by a public health authority to combat a**
 11 **public health emergency involving a dangerous communicable**
 12 **disease must comply with the following:**

13 **(1) The department must develop and distribute information**
 14 **concerning the risks and benefits of immunization. A copy of**
 15 **this document must be provided to each person who will**
 16 **receive an immunization.**

17 **(2) No person may be required to receive an immunization**
 18 **without that person's consent. No child may be required to**
 19 **receive an immunization without the consent of the child's**
 20 **parent, guardian, or custodian.**

21 **(3) A person may not be subjected to civil penalty, criminal**
 22 **liability, or workplace discrimination based on the person's**
 23 **decision not to receive an immunization.**

24 **(b) The department shall adopt rules to implement this section."**

25 Page 8, between lines 40 and 41, begin a new paragraph and insert:

26 "SECTION 9. IC 34-6-2-55 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 55. (a) "Health care**
 28 **services", for purposes of IC 34-30-13, has the meaning set forth in**
 29 **IC 27-13-1-18(a).**

30 **(b) "Health care services", for purposes of IC 34-30-13.5,**
 31 **means:**

32 **(1) any services provided by an individual licensed under:**

33 **(A) IC 25-2.5;**

34 **(B) IC 25-10;**

35 **(C) IC 25-13;**

36 **(D) IC 25-14;**

37 **(E) IC 25-22.5;**

- 1 (F) IC 25-23;
- 2 (G) IC 25-23.5;
- 3 (H) IC 25-23.6;
- 4 (I) IC 25-24;
- 5 (J) IC 25-26;
- 6 (K) IC 25-27;
- 7 (L) IC 25-27.5;
- 8 (M) IC 25-29;
- 9 (N) IC 25-33;
- 10 (O) IC 25-34.5; or
- 11 (P) IC 25-35.6;
- 12 (2) services provided as the result of hospitalization;
- 13 (3) services incidental to the furnishing of services described
- 14 in subdivisions (1) or (2);
- 15 (4) any services by individuals certified as:
- 16 (A) paramedics;
- 17 (B) emergency medical technicians-intermediate;
- 18 (C) emergency medical technicians-advanced;
- 19 (D) emergency medical technicians basic-advanced; or
- 20 (E) emergency medical technicians under IC 16-31-2;
- 21 (5) any services provided by individuals certified as first
- 22 responders under IC 16-31-2; or
- 23 (6) any other services or goods furnished for the purpose of
- 24 preventing, alleviating, curing, or healing human illness,
- 25 physical disability, or injury."

26 Page 9, line 5, delete "is immune from civil liability" and insert "**may**

27 **not be held civilly liable**".

28 Page 9, line 6, delete "resulting from" and insert "**for**".

29 Page 9, line 7, after "to" insert "**an event that is declared**".

30 Page 9, line 7, delete "(as defined in IC 10-14-3-1):" and insert

31 "**emergency under IC 10-14-3-12, regardless of whether the**

32 **provision of health care services occurred before or after the**

33 **declaration of a disaster emergency:**".

34 Page 9, line 15, delete "section 1 of".

35 Page 9, line 19, delete "medical clinic, health care".

36 Page 9, line 19, after "facility" delete ",."

37 Page 9, line 20, delete "during" and insert "**in response to**".

- 1 Page 9, line 21, delete "is immune from civil liability resulting from"
2 and insert "**emergency may not be held civilly liable for**".
- 3 Page 9, line 23, delete "a disaster" and insert "**that event**".
- 4 Page 9, line 26, delete "." and insert "**emergency, regardless of**
5 **whether the provision of health care services occurred before or**
6 **after the declaration of a disaster emergency.**".
- 7 Page 9, line 30, delete "IC 16-41-9-1.5(s)" and insert
8 "**IC 16-41-9-1.5(t)**".
- 9 Page 9, after line 32, begin a new paragraph and insert:
10 "SECTION 13. [EFFECTIVE JULY 1, 2006] **In carrying out its**
11 **duties under IC 16-41-9, a public health authority (as defined in**
12 **IC 16-18-2-298.5) shall attempt to seek the cooperation of cases,**
13 **carriers, contacts, or suspect cases to implement the least**
14 **restrictive but medically necessary procedures to protect the public**
15 **health.**".
- 16 Renumber all SECTIONS consecutively.
 (Reference is to HB 1235 as printed January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Bray

Chairperson